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12 Attorneys for Defendant
13 INDIAN HARBOR INSURANCE COMPANY

14
15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17
18 IGNACIO PEREZ,
19 Plaintiff,
20 V
21 INDIAN HARBOR INSURANCE COMPANY
22 and DOES 1 through 50, inclusive,
23 Defendants.

24 Case No.: 4:19-cv-07288-YGR
25 (Related to Case No. 4:16-cv-03396-YGR)

26 **STIPULATION NO. 1: CONCERNING
27 THE UNAVAILABILITY OF CERTAIN
28 WITNESSES**

29 Judge: Hon. Yvonne Gonzalez Rogers
30 Complaint Filed: November 5, 2019
31 First Amended Complaint Filed:
32 May 18, 2020

33 Plaintiff Ignacio Perez (“Plaintiff”) and Defendant Indian Harbor Insurance Company
34 (“Defendant”) (collectively, “the Parties”), by and through their respective counsel, state as follows:

35 WHEREAS, Defendant has identified in its Initial Disclosures the following persons likely to
36 have discoverable information that Indian Harbor will use to support its claims and defenses:

37 (1) Scott A. Bursor; (2) Ignacio Perez; (3) Sandra McMillion; and (4) Jessica Adekoya.

38 WHEREAS, Defendant intends to amend its Initial Disclosures to include the following
39 additional persons likely to have discoverable information that Indian Harbor will use to support its
40 claims and defenses: (1) Randall Snyder; (2) Colin Weir; and (3) Anya Verkhovskaya.

41 **STIPULATION**

42 NOW, THEREFORE, Defendant and Plaintiff stipulate and agree as follows:

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44 STIPULATION NO. 1: CONCERNING THE UNAVAILABILITY OF CERTAIN
45 WITNESSES

46 CASE NO.: 4:19-CV-07288-YGR

1 1. The Parties specifically and expressly agree that the following witnesses will not
2 testify live at trial in this action as fact witnesses (even in rebuttal), and the Parties specifically and
3 expressly agree not to depose in the fact discovery phase these potential witnesses in this action:
4 (1) Scott A. Bursor; (2) Ignacio Perez; (3) Sandra McMillion; (4) Jessica Adekoya; (5) Randall
5 Snyder; (6) Colin Weir; and (7) Anya Verkhovskaya. The Parties also specifically and expressly
6 agree that they shall make no reference or comment of any kind concerning the absence of testimony
7 by these witnesses in any motion, or at trial, or on appeal.

8 2. The Parties specifically and expressly agree that they may use in this action
9 (including at the trial in this action) any prior deposition or trial testimony by the witnesses identified
10 in Paragraph 1 given in *Perez v. Rash Curtis & Associates*, Case No. 4:16-cv-03396-YGR (N.D.
11 Cal.), as if those witnesses are unavailable pursuant to any applicable rule, including without
12 limitation Federal Rule of Civil Procedure 32 and Federal Rule of Evidence 804. All other
13 objections to such evidence are preserved.

14 Dated: March 26, 2021

BURSOR & FISHER, P.A.

16 By: /s/ Scott A. Bursor
17 Scott A. Bursor
18 L. Timothy Fisher
19 Jeremy O. Krivoshev
20 Blair E. Reed
21 Attorneys for Plaintiff
22 IGNACIO PEREZ

23 Dated: March 26, 2021

DUANE MORRIS LLP

24 By: /s/ Max H. Stern
25 Max H. Stern
26 Jessica E. La Londe
27 Michelle N. Khoury
28 Attorneys for INDIAN HARBOR INSURANCE
 COMPANY

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1 **ATTESTATION**

2 I, Max H. Stern, am the ECF User whose identification and password are being used to file
3 Stipulation No. 1: Concerning the Unavailability of Certain Witnesses, filed concurrently herewith.
4 Pursuant to Local Rule 5-1(i)(3), I hereby attest that counsel for Plaintiff Ignacio Perez has
5 concurred in the filing of the Stipulation No. 1: Concerning the Unavailability of Certain Witnesses,
6 filed concurrently herewith.

7
8 Dated: March 26, 2021

DUANE MORRIS LLP

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10 By: /s/ Max H. Stern
Max H. Stern

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